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Filed

APR 12 2012

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JORGE PLANCARTE, et al

Defendants

No. CR 10-00824 DLJ

**STIPULATION AND [PROPOSED]
ORDER CONTINUING
SENTENCING HEARING FOR
DEFENDANT ANGEL TOPETE**

The parties stipulate, and request that the court Order, the following:

1. Mr. Topete, the accused in the above case, is currently scheduled to be sentenced on April 12, 2012, at 10:00 AM. By this stipulation and proposed Order, the parties are jointly requesting that the sentencing hearing be moved to June 14, 2012, at 10:00 AM.

1 2. On August 2, 2011, ANGEL TOPETE pleaded guilty to a
2 two-count Superseding Information in the above-captioned matter charging him with
3 (1) use of communication facility in causing or facilitating the commission of a
4 felony under the Controlled Substances Act, in violation of 21 U.S.C. § 843(b), and
5 (2) structuring currency transactions for the purpose of evading reporting
6 requirements, in violation of 31 U.S.C. § 5324(a)(3). He has been released and is
7 currently on bond. No other defendants are affected by this request.
8

9 3. For the above reasons, the parties respectfully request that the
10 sentencing hearing date of April 12, 2012 be vacated, and a new sentencing hearing
11 be set for June 14, 2010, at 10:00 A.M.

12 Respectfully submitted,


13
14 Dated: April 10, 2012

15 By: _____/s/_____
16 PETER A. LEEMING,
17 Attorney for Angel Topete

18 /s/ Thomas Colthurst
19 Assistant U.S. Attorney

20 IT IS SO ORDERED.

21 DATED: 4-12-12

22 
23 HON. D. Lowell Jensen
24 United States District Court Judge
25